

1 Sara B. Brody, SBN 130222
sbrody@sidley.com
2 Jaime A. Bartlett, SBN 251825
jbartlett@sidley.com
3 SIDLEY AUSTIN LLP
555 California Street
4 San Francisco, California 94104
Telephone: (415) 772-1200
5 Facsimile: (415) 772-7400

6 *Attorneys for Miguel Trinidad*

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 IN RE SUNPOWER SECURITIES
12 LITIGATION

Case No. CV 09-5473-RS (Consolidated)

13 **STIPULATION TO EXTEND TIME TO**
14 **RESPOND TO FIRST AMENDED**
15 **COMPLAINT**

16 The undersigned parties, by and through their counsel, hereby stipulate as follows:

17 WHEREAS, on April 18, 2011, Lead Plaintiffs filed their First Amended Consolidated Class
18 Action Complaint For Violations Of The Federal Securities Laws [ECF No. 152] (“Complaint”),
19 which was the first complaint filed in this action to name Miguel Trinidad as a defendant;

20 WHEREAS, pursuant to the Court’s March 11, 2011 Order [ECF No. 151], on May 23,
21 2011, certain defendants filed a motion to dismiss the Complaint [ECF No. 155], and oral argument
22 on the motion is scheduled to be heard on August 11, 2011;

23 WHEREAS, on July 25, 2011, counsel for Trinidad has agreed to accept service of the
24 Summons and Complaint.

25 Accordingly, IT IS HEREBY STIPULATED AND AGREED, by the parties, through their
26 undersigned counsel, that:

- 27 1. Defendant Trinidad is granted an extension of time to respond to the Complaint until
28 after a ruling on the motion to dismiss currently pending before the Court is issued;

- 1 2. If the Court grants the pending motion to dismiss with leave to amend, defendant
2 Trinidad will respond to Plaintiffs' subsequently filed amended complaint within 30
3 days of the filing of the amended complaint or on the same schedule as applicable to
4 the other defendants;
- 5 3. If the Court denies the pending motion to dismiss, defendant Trinidad will respond to
6 the Complaint within 30 days of the Court's order denying the motion;
- 7 4. By entry into this stipulation, defendant Trinidad does not waive any defenses
8 available to him under Federal Rule of Civil Procedure 12.

9 Dated: July 25, 2011

10 SIDLEY AUSTIN LLP

11
12 By: /s/Sara B. Brody
13 SARA B. BRODY
 JAIME A. BARTLETT
 Attorneys for Miguel Trinidad

14 Dated: July 25, 2011

15 BERNSTEIN LITOWITZ BERGER
16 & GROSSMANN LLP

17 By: /s/David R. Stickney
18 DAVID R. STICKNEY
 Attorneys for Lead Plaintiffs

19 Dated: July 25, 2011

20 KESSLER TOPAZ MELTZER & CHECK, LLP

21
22 By: /s/Ramzi Abadou
23 RAMZI ABADOU
 Attorneys for Lead Plaintiffs

24 Dated: July 25, 2011

25 KAPLAN FOX & KILSHEIMER LLP

26
27 By: /s/Laurence D. King
28 LAURENCE D. KING
 Attorneys for Lead Plaintiffs